

DOCKET NO. UPN-3388

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re Application of:**

Cameron J. Koch, Alexander V. Kachur, Sydney  
M. Evans, Chyng-Yann Shiue, Ian R. Baird,  
Kirsten A. Skov, William R. Dolbier, Jr., An-Rong  
Li, and Brian R. James

**Group Art Unit:** N/A

**Examiner:** N/A

**For:** DETECTION OF HYPOXIA

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and  
I believe that I am the original, first and joint inventor of the subject matter which is claimed  
and for which a

☒ Utility Patent      ☐ Design Patent

is sought on the invention, whose title appears above, the specification of which:

- ☐ is attached hereto.
- ☒ was filed on July 28, 1998 as Serial No. 09/123,300
- ☐ said application having been amended on \_\_\_\_\_

/ I hereby state that I have reviewed and understand the contents of the above-identified  
specification, including the claims, as amended by any amendment referred to above.

/ I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information  
known to be material to the patentability of this application in accordance with 37 CFR §  
1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a-d) of any **foreign  
application(s)** for patent or inventor's certificate listed below and have also identified below  
any foreign application for patent or inventor's certificate having a filing date before that of

any application on which priority is claimed:

Priority Claimed (If X'd)	Country	Serial Number	Date Filed
<input type="checkbox"/>	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____
<input type="checkbox"/>	_____	_____	_____

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Serial Number	Date Filed	Patented/Pending/Abandoned
<u>08/598,752</u>	<u>February 8, 1996</u>	<u>U.S. Pat. 5,843,404</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Serial Number	Date Filed
_____	_____

I hereby appoint the following persons of the firm of **WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS LLP**, One Liberty Place - 46th Floor, Philadelphia, Pennsylvania 19103 as attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

John J. Mackiewicz Reg. No. 19.709

Lynn A. Malinoski Reg. No. 38,788

Address all telephone calls and correspondence to the first-listed attorney of record at:

**WOODCOCK WASHBURN KURTZ  
MACKIEWICZ & NORRIS LLP**


One Liberty Place - 46th Floor

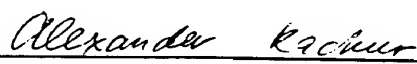
Philadelphia PA 19103

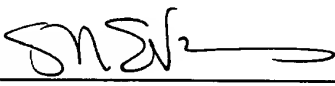
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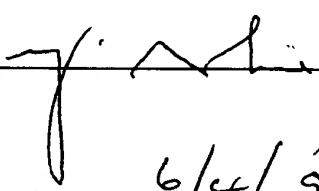
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

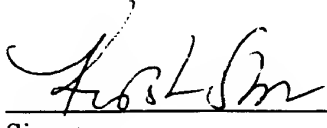
Name: <b>Cameron J. Koch</b>	
Mailing Address: <b>776 Providence Road, Apt. D208 Aldan, Pennsylvania 19018</b>	Signature
City/State of Actual Residence <b>Aldan, Pennsylvania 19018</b>	Date of Signature: <u>March 3, 1999</u>
	Citizenship: <u>Canada</u>

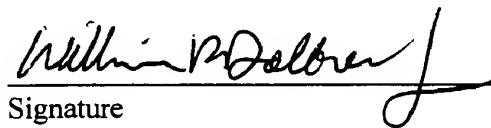
Name: <b>Alexander V. Kachur</b>	 Signature
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Mailing Address: <b>132 Rutgers Avenue Swarthmore, Pennsylvania 19081</b>	Date of Signature: <u>3/3/99</u>
City/State of Actual Residence: <b>Swarthmore, Pennsylvania 19081</b>	Citizenship: <u>USA</u>

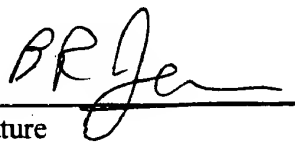
Name: <b>Chyng-Yann Shiue</b>	 Signature
Mailing Address: <b>233 Trianon Lane Villanova, Pennsylvania 19085</b>	Date of Signature: <u>6/4/99</u>
City/State of Actual Residence: <b>Villanova, Pennsylvania 19085</b>	Citizenship: <u>USA</u>

Name: <b>Ian R. Baird</b>	 Signature
Mailing Address: <b>7972 Inverness Street Vancouver, V5X4H7, Canada</b>	Date of Signature: <u>May 14/99</u>
City/State of Actual Residence: <b>Vancouver, V5X4H7, Canada</b>	Citizenship: <u>Canada</u>

Name: <b>Kirsten A. Skov</b>	
Mailing Address: <b>4339 Locarno Circle Vancouver, V6R1G2, Canada</b>	Signature
City/State of Actual Residence: <b>Vancouver, V6R1G2, Canada</b>	Date of Signature: <u>May 14, 1999</u>
	Citizenship: <u>Canada</u>

Name: <b>William R. Dolbier, Jr.</b>	
Mailing Address: <b>8205 SW 39th Place Gainesville, Florida 32608</b>	Signature
City/State of Actual Residence: <b>Gainesville, Florida 32608</b>	Date of Signature: <u>May 25, 1999</u>
	Citizenship: <u>USA</u>

Name: <b>An-Rong Li</b>	
Mailing Address: <b>1404 SW 10th Terrace Gainesville, Florida 32601</b>	Signature
City/State of Actual Residence: <b>Gainesville, Florida 32601</b>	Date of Signature: <u>May 23, 1999</u>
	Citizenship: <u>Republic of China</u>

Name: <b>Brian R. James</b>	
Mailing Address: <b>4010 Blenheim Street Vancouver, V6L2Y9, Canada</b>	Signature
City/State of Actual Residence: <b>Vancouver, V6L2Y9, Canada</b>	Date of Signature: <u>May 16 '99</u>
	Citizenship: <u>Canada</u>

Applicant or Patentee: Alexander V. Kachur, Sydney M. Evans,  
Chyng-Yann Shiue, Ian R. Baird, Kirsten A. Skov, William R.  
Dolbier, Jr., An-Rong Ki, and Cameron J. Koch

Serial or Patent No.: Not Yet Assigned

Attorney's Docket No.: UPN-3388

Date Filed or Issued: Herewith

For: Detection of Hypoxia

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf  
of the nonprofit organization identified below:

NAME OF ORGANIZATION	Trustees of the University of Pennsylvania
ADDRESS OF ORGANIZATION	3700 Market Street Philadelphia, PA 19104

**TYPE OF ORGANIZATION:**

- ☒ (XX) UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- ☐ ( ) TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC  
501(a) and 501(c)(3))
- ☐ ( ) NONPROFIT SCIENTIFIC OR EDUCATIONAL ORGANIZATION  
QUALIFIED UNDER A NONPROFIT ORGANIZATION STATUTE OF A  
STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)
- ☐ ( ) WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE  
SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN  
THE UNITED STATES OF AMERICA
- ☐ ( ) WOULD QUALIFY AS A NONPROFIT SCIENTIFIC OR EDUCATIONAL  
ORGANIZATION QUALIFIED UNDER A NONPROFIT ORGANIZATION  
STATUTE OF A STATE OF THE UNITED STATES OF AMERICA IF  
LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above  
qualifies as a nonprofit organization as defined in 37 CFR 1.9(e)  
for purposes of paying reduced fees under section 41(a) and (b)  
of Title 35, United States Code with regard to the invention  
entitled Detection of Hypoxia by inventor(s) Alexander V. Kachur,  
Sydney M. Evans, Chyng-Yann Shiue, Ian R. Baird, Kirsten A. Skov,  
William R. Dolbier, Jr., An-Rong Ki, and Cameron J. Koch  
described in

(XX) the specification filed herewith.

( ) application serial no. \_\_\_\_\_, filed \_\_\_\_\_.  
( ) patent no. \_\_\_\_\_, issued \_\_\_\_\_.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME:

ADDRESS:

( ) INDIVIDUAL ( ) SMALL BUSINESS CONCERN ( ) NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING  
TITLE IN ORGANIZATION  
ADDRESS OF PERSON SIGNING

Evelyn McConathy, Esquire  
Director, Intellectual Properties  
3700 Market Street, Suite 300  
Philadelphia, PA 19104

Evelyn H. McConathy  
SIGNATURE

July 28, 1998  
DATE